

5.6.ii. Policy**COST RECOVERY AGREEMENTS**

Trust Council: September 10, 1994

Amended: June 10, 2004

A: PURPOSE:

1. The Cost Recovery Agreement Policy is intended to provide the principles by which cost recovery for extraordinary services beyond the fee schedule can be negotiated between an applicant and a local trust committee and implemented.

B: REFERENCES:

1. Policy Manual: Application Processing Services Policy (5.6.i.)
2. LTC Fees Bylaws

C: BACKGROUND:

1. The Application Processing Services Policy outlines three service levels, namely "information", "processing", and "extraordinary". The basis for establishing cost recovery agreements falls under the "extraordinary" service level which is defined as "providing a planning review related service to an applicant beyond the standard processing service with funding provided by the applicant or through a cost recovery agreement".
2. The Cost Recovery Agreement Policy is intended to:
 - 2.1. Outline principles for undertaking cost recovery.
 - 2.2. Establish authority to enter into cost recovery.
 - 2.3. Provide a consistent approach for cost recovery to ensure procedural certainty.

D: POLICY:

1. Cost Recovery Agreements are voluntary on the part of the applicant.
2. Cost recovery reflects a service level which includes extraordinary, discrete costs as well as requirements to efficiently and effectively undertake the approval process for a complex application.

3. Agreements will endeavour to recover all costs of processing that exceed the applicable average costs of processing; such costs may include but are not limited to complex covenant requirements, dedicated staffing, public consultation beyond a statutory public hearing, specialized technical assistance/assessment, legal counsel services and process agreement negotiation costs.
4. The existence of a Cost Recovery Agreement will not fetter a local trust committee's discretion with respect to an application before the committee.
5. Authority for negotiating cost recovery agreements is provided within the respective local trust committee fee bylaws.
6. Cost Recovery Agreements will proceed only by resolution of the local trust committee after consultation with the Regional Planning Manager.
7. Cost Recovery Agreements will be negotiated with the applicant by the Regional Planning Manager, and approved by the Director of Local Planning Services.